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By: **Delegates Smigiel, Boutin, Costa, Eckardt, Elmore, Redmer,  
Rzepakowski, Sossi, and Walkup**

Introduced and read first time: February 24, 2003

Assigned to: Rules and Executive Nominations

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A BILL ENTITLED

1 AN ACT concerning

2 **Trauma Center Physician Services Funding Act**

3 FOR the purpose of establishing the Trauma Center Physician Services Fund as a  
4 special, nonlapsing fund; stating the purpose of the Fund; specifying the manner  
5 in which expenditures may be made from the Fund; requiring the Treasurer to  
6 hold the Fund in a certain manner; requiring the Comptroller to account for the  
7 Fund; specifying certain criteria to be considered in developing a certain  
8 reimbursement methodology; requiring certain physicians to apply to the Fund  
9 for reimbursement in a certain manner; requiring the Treasurer to invest the  
10 money of the Fund in a certain manner; requiring the Maryland Health Care  
11 Commission and the Health Services Cost Review Commission to make a  
12 certain annual report to the General Assembly; requiring the Maryland Health  
13 Care Commission and the Maryland Health Services Cost Review Commission  
14 to oversee and administer the Trauma Center Physician Services Fund;  
15 requiring a court to impose a certain surcharge on a person convicted of a  
16 certain violation; requiring the Comptroller to pay certain surcharges into the  
17 Fund in a certain manner; defining a certain term; providing for the application  
18 of this Act; making this Act an emergency measure; and generally relating to the  
19 Trauma Center Physician Services Fund.

20 BY repealing and reenacting, with amendments,  
21 Article - Health - General  
22 Section 19-103(c) and 19-207(b)  
23 Annotated Code of Maryland  
24 (2000 Replacement Volume and 2002 Supplement)

25 BY adding to  
26 Article - Health - General  
27 Section 19-130  
28 Annotated Code of Maryland  
29 (2000 Replacement Volume and 2002 Supplement)

30 BY repealing and reenacting, without amendments,

1 Article - Transportation  
2 Section 21-902  
3 Annotated Code of Maryland  
4 (2002 Replacement Volume)

5 BY adding to  
6 Article - Transportation  
7 Section 27-101(w)  
8 Annotated Code of Maryland  
9 (2002 Replacement Volume)

10 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
11 MARYLAND, That the Laws of Maryland read as follows:

12 **Article - Health - General**

13 19-103.

14 (c) The purpose of the Commission is to:

15 (1) Develop health care cost containment strategies to help provide  
16 access to appropriate quality health care services for all Marylanders, after  
17 consulting with the Health Services Cost Review Commission;

18 (2) Promote the development of a health regulatory system that  
19 provides, for all Marylanders, financial and geographic access to quality health care  
20 services at a reasonable cost by:

21 (i) Advocating policies and systems to promote the efficient  
22 delivery of and improved access to health care services; and

23 (ii) Enhancing the strengths of the current health care service  
24 delivery and regulatory system;

25 (3) Facilitate the public disclosure of medical claims data for the  
26 development of public policy;

27 (4) Establish and develop a medical care data base on health care  
28 services rendered by health care practitioners;

29 (5) Encourage the development of clinical resource management systems  
30 to permit the comparison of costs between various treatment settings and the  
31 availability of information to consumers, providers, and purchasers of health care  
32 services;

33 (6) In accordance with Title 15, Subtitle 12 of the Insurance Article,  
34 develop:

1 (i) A uniform set of effective benefits to be included in the  
2 Comprehensive Standard Health Benefit Plan; and

3 (ii) A modified health benefit plan for medical savings accounts;

4 (7) Analyze the medical care data base and provide, in aggregate form,  
5 an annual report on the variations in costs associated with health care practitioners;

6 (8) Ensure utilization of the medical care data base as a primary means  
7 to compile data and information and annually report on trends and variances  
8 regarding fees for service, cost of care, regional and national comparisons, and  
9 indications of malpractice situations;

10 (9) Establish standards for the operation and licensing of medical care  
11 electronic claims clearinghouses in Maryland;

12 (10) Reduce the costs of claims submission and the administration of  
13 claims for health care practitioners and payors;

14 (11) Develop a uniform set of effective benefits to be offered as  
15 substantial, available, and affordable coverage in the nongroup market in accordance  
16 with § 15-606 of the Insurance Article;

17 (12) Determine the cost of mandated health insurance services in the  
18 State in accordance with Title 15, Subtitle 15 of the Insurance Article; [and]

19 (13) Promote the availability of information to consumers on charges by  
20 practitioners and reimbursements from payors; AND

21 (14) OVERSEE AND ADMINISTER THE TRAUMA CENTER PHYSICIAN  
22 SERVICES FUND IN CONJUNCTION WITH THE HEALTH SERVICES COST REVIEW  
23 COMMISSION.

24 19-130.

25 (A) IN THIS SECTION, "FUND" MEANS THE TRAUMA CENTER PHYSICIAN  
26 SERVICES FUND.

27 (B) THERE IS A TRAUMA CENTER PHYSICIAN SERVICES FUND.

28 (C) THE PURPOSE OF THE FUND IS TO SUBSIDIZE THE DOCUMENTED COSTS  
29 OF PHYSICIAN UNCOMPENSATED CARE PROVIDED TO TRAUMA PATIENTS ON THE  
30 TRAUMA REGISTRY IN A TRAUMA CENTER DESIGNATED BY THE MARYLAND  
31 INSTITUTE FOR EMERGENCY MEDICAL SERVICES SYSTEMS AS:

32 (1) THE STATE PRIMARY ADULT RESOURCE CENTER;

33 (2) A LEVEL I TRAUMA CENTER;

34 (3) A LEVEL II TRAUMA CENTER;

1 (4) A LEVEL III TRAUMA CENTER; OR

2 (5) A PEDIATRIC TRAUMA CENTER.

3 (D) THE TREASURER SHALL HOLD THE FUND SEPARATELY AND THE  
4 COMPTROLLER SHALL ACCOUNT FOR THE FUND.

5 (E) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO §  
6 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

7 (F) THE FUND CONSISTS OF:

8 (1) SURCHARGES COLLECTED IN ACCORDANCE WITH § 27-101(W) OF THE  
9 TRANSPORTATION ARTICLE;

10 (2) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;

11 (3) ANY INVESTMENT EARNINGS OF THE FUND; AND

12 (4) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE  
13 BENEFIT OF THE FUND.

14 (G) (1) EXPENDITURES FROM THE FUND SHALL BE MADE IN ACCORDANCE  
15 WITH A METHODOLOGY ESTABLISHED JOINTLY BY THE MARYLAND HEALTH CARE  
16 COMMISSION AND THE HEALTH SERVICES COST REVIEW COMMISSION TO  
17 CALCULATE UNCOMPENSATED CARE COSTS INCURRED BY PHYSICIANS WHO ARE  
18 ELIGIBLE TO RECEIVE REIMBURSEMENT UNDER SUBSECTION (C) OF THIS SECTION.

19 (2) THE METHODOLOGY DEVELOPED UNDER PARAGRAPH (1) OF THIS  
20 SUBSECTION SHALL TAKE INTO ACCOUNT:

21 (I) THE AMOUNT OF PHYSICIAN UNCOMPENSATED CARE  
22 PROVIDED;

23 (II) THE NUMBER OF PATIENTS SERVED;

24 (III) THE NUMBER OF MARYLAND RESIDENTS SERVED; AND

25 (IV) THE EXTENT TO WHICH PHYSICIAN UNCOMPENSATED CARE  
26 COSTS ARE OTHERWISE SUBSIDIZED BY HOSPITALS, THE FEDERAL GOVERNMENT,  
27 AND OTHER SOURCES.

28 (3) IN ORDER TO RECEIVE REIMBURSEMENT, A PHYSICIAN SHALL APPLY  
29 TO THE FUND ON A FORM AND IN A MANNER APPROVED BY THE MARYLAND HEALTH  
30 CARE COMMISSION AND THE HEALTH SERVICES COST REVIEW COMMISSION.

31 (H) (1) THE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE  
32 SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

33 (2) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE CREDITED TO  
34 THE FUND.

1 (I) THE MARYLAND HEALTH CARE COMMISSION AND THE HEALTH SERVICES  
2 COST REVIEW COMMISSION SHALL REPORT ANNUALLY TO THE GENERAL ASSEMBLY  
3 IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE:

4 (1) THE AMOUNT OF MONEY IN THE FUND;

5 (2) THE AMOUNT OF MONEY APPLIED FOR BY ELIGIBLE PHYSICIANS;

6 (3) THE AMOUNT OF MONEY DISTRIBUTED IN THE FORM OF PHYSICIAN  
7 REIMBURSEMENTS; AND

8 (4) ANY RECOMMENDATIONS FOR ALTERING THE MANNER IN WHICH  
9 TRAUMA PHYSICIAN UNCOMPENSATED CARE COSTS ARE REIMBURSED.

10 19-207.

11 (b) In addition to the duties set forth elsewhere in this subtitle, the  
12 Commission shall:

13 (1) Adopt rules and regulations that relate to its meetings, minutes, and  
14 transactions;

15 (2) Keep minutes of each meeting;

16 (3) Prepare annually a budget proposal that includes the estimated  
17 income of the Commission and proposed expenses for its administration and  
18 operation;

19 (4) Within a reasonable time after the end of each facility's fiscal year or  
20 more often as the Commission determines, prepare from the information filed with  
21 the Commission any summary, compilation, or other supplementary report that will  
22 advance the purposes of this subtitle;

23 (5) Periodically participate in or do analyses and studies that relate to:

24 (i) Health care costs;

25 (ii) The financial status of any facility; or

26 (iii) Any other appropriate matter; [and]

27 (6) On or before October 1 of each year, submit to the Governor, to the  
28 Secretary, and, subject to § 2-1246 of the State Government Article, to the General  
29 Assembly an annual report on the operations and activities of the Commission during  
30 the preceding fiscal year, including:

31 (i) A copy of each summary, compilation, and supplementary report  
32 required by this subtitle; and

33 (ii) Any other fact, suggestion, or policy recommendation that the  
34 Commission considers necessary; AND

1 (7) OVERSEE AND ADMINISTER THE TRAUMA CENTER PHYSICIAN  
2 SERVICES FUND IN CONJUNCTION WITH THE MARYLAND HEALTH CARE  
3 COMMISSION.

4 **Article - Transportation**

5 21-902.

6 (a) (1) A person may not drive or attempt to drive any vehicle while under  
7 the influence of alcohol.

8 (2) A person may not drive or attempt to drive any vehicle while the  
9 person is under the influence of alcohol per se.

10 (b) A person may not drive or attempt to drive any vehicle while impaired by  
11 alcohol.

12 (c) (1) A person may not drive or attempt to drive any vehicle while he is so  
13 far impaired by any drug, any combination of drugs, or a combination of one or more  
14 drugs and alcohol that he cannot drive a vehicle safely.

15 (2) It is not a defense to any charge of violating this subsection that the  
16 person charged is or was entitled under the laws of this State to use the drug,  
17 combination of drugs, or combination of one or more drugs and alcohol, unless the  
18 person was unaware that the drug or combination would make the person incapable  
19 of safely driving a vehicle.

20 (d) A person may not drive or attempt to drive any vehicle while the person is  
21 impaired by any controlled dangerous substance, as that term is defined in § 5-101 of  
22 the Criminal Law Article, if the person is not entitled to use the controlled dangerous  
23 substance under the laws of this State.

24 27-101.

25 (W) (1) IN ADDITION TO ANY OTHER PENALTY IMPOSED UNDER THIS  
26 SECTION FOR A VIOLATION OF § 21-902 OF THIS ARTICLE, ANY PERSON CONVICTED  
27 OF A VIOLATION OF § 21-902 OF THIS ARTICLE SHALL BE REQUIRED BY THE COURT  
28 TO PAY A \$250 SURCHARGE.

29 (2) THE COMPTROLLER SHALL PAY THE SURCHARGES COLLECTED  
30 UNDER THIS SUBSECTION INTO THE TRAUMA CENTER PHYSICIAN SERVICES FUND  
31 ESTABLISHED UNDER § 19-130 OF THE HEALTH - GENERAL ARTICLE AT INTERVALS  
32 DETERMINED BY THE MARYLAND HEALTH CARE COMMISSION AND THE HEALTH  
33 SERVICES COST REVIEW COMMISSION.

34 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be  
35 construed to apply only prospectively and may not be applied or interpreted to have  
36 any effect on or application to any violation committed before the effective date of this  
37 Act.

1       SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an  
2 emergency measure, is necessary for the immediate preservation of the public health  
3 or safety, has been passed by a ye and nay vote supported by three-fifths of all the  
4 members elected to each of the two Houses of the General Assembly, and shall take  
5 effect from the date it is enacted.